

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

OMMEHANI AZKIA and)	
MOHAMMED MASIUDDIN)	
)	
Plaintiff,)	
)	
v.)	Case No. 20-cv-5025
)	
JOHN BURCZYK, and)	(DuPage County, Illinois
MARTEN TRANSPORT, LTD.,)	No. 2020 L 000818)
)	JURY DEMAND
Defendants.)	

**DEFENDANTS MARTEN TRANSPORT, LTD. AND JOHN BURCZYK'S NOTICE OF
REMOVAL PURSUANT TO 28 U.S.C. §§ 1332, 1441, AND 1446**

Defendants, JOHN BURCZYK (“Burczyk”) and MARTEN TRANSPORT, LTD., (“Marten”), by their attorneys, THE HUNT LAW GROUP, LLC., hereby give notice that this action has been removed from the Circuit Court of DuPage County, in the State of Illinois, to the United States District Court for the Northern District of Illinois, Eastern Division, pursuant to 28 U.S.C. §§ 1332, 1441 & 1446, and respectfully state as follows:

1. On July 29, 2020, the plaintiffs, OMMEHANI AZKIA (“Azkia”) and MOHAMMED MASIUDDIN (“Masiuddin”), filed a civil complaint captioned Ommehani Azkia et al. vs. John Burczyk et al., Case No. 2020 L 000818, in the 18th Judicial Circuit Court of DuPage County, Illinois. (See Summons and Complaint, attached hereto as Exhibit A.) The complaint alleges that, as a result of a motor vehicle accident on March 29, 2019, Azkia “was injured, caused to suffer pain, incurred large expenses for necessary medical and hospital care, was disabled for a certain period of time, and lost certain time and monies from her employment, and sustained damage to her property.” (See Exhibit A, Complaint p. 2, Count I, ¶ 5) The complaint also alleges

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Masiuddin “was injured, caused to suffer pain, incurred large expenses for necessary medical and hospital care, was disabled for a certain period of time, and lost certain time and monies from his employment.” (See Exhibit A, Complaint p. 4, Count II, ¶ 5.)

2. On August 6, 2020, Marten Transport, Ltd. was served with the Complaint at Law. (See Exhibit A, Summons.)

3. On or about August 18, 2020, John Burczyk was served with the Complaint at Law.

4. The Hunt Law Group, LLC, has been retained by Marten Transport, Ltd. to defend each of the named defendants in this matter – Marten Transport, Ltd. and John Burczyk. Both Defendants consent to removal as required under 28 U.S. Code § 1446(b)(2)(A).

5. Upon information and belief, the plaintiffs, Azkia and Masiuddin, are now and were at the time of the commencement of this lawsuit residents and citizens of the State of Illinois and are not residents or citizens of the same state as the defendants.

6. The defendant, Marten Transport, Ltd., is a citizen of the State of Delaware and Wisconsin. Marten is now and was at the time of the occurrence and the commencement of this lawsuit incorporated in Delaware, with its principal place of business at 129 Marten Street, Mondovi, Wisconsin 54755. (See Marten Transport, Ltd.’s Wisconsin Department of Financial Institutions printout, attached hereto as Exhibit B.)

7. Defendant, Burczyk, is an individual and citizen of the State of Wisconsin. Upon information and belief, he resides at 2629 South 87th Street, West Allis, Wisconsin 53227.

8. Accordingly, neither of the defendants is a citizen of the State of Illinois nor has a place of business in Illinois. As set forth in Paragraphs 5, 6 and 7, above, there is complete diversity of citizenship between the parties pursuant to 28 U.S.C. § 1332(a)(1) and §1441(b).

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9. The named defendant, Marten Transport, Ltd., does not have any parent corporations. No company owns more than ten percent (10%) of Marten Transport, Ltd.'s stock. (See Marten Transport, Ltd.'s Corporate Disclosure Statement, attached hereto as **Exhibit C**.)

10. The plaintiffs' complaint included a prayer for a sum in excess of \$50,000 plus costs for each plaintiffs' claims, including medical, partial disability and lost wage claims. (See **Exhibit A**, Complaint p. 2 & 5.)

11. On April 6, 2020, plaintiffs' attorney sent a letter containing a settlement demand to Marten Transport, Ltd. (See Settlement Demand, attached hereto as **Exhibit D**.) Plaintiffs' attorney made a settlement demand of \$1,000,000 for Azkia's claims based on medical bills amounting to approximately \$177,500. (See **Exhibit D**, p. 2.) Azkia's claims in the Complaint also include pain and suffering, partial disability, lost wages and damage to property. (See **Exhibit A**, Complaint, p. 2, Count I, ¶ 5.) Plaintiffs' attorney made a settlement demand of \$120,000 for Masiuddin's claims based on medical bills amounting to approximately \$20,000. (See **Exhibit D**, p. 2.) Masiuddin's claims in the Complaint also include pain and suffering, partial disability and lost wages. (See **Exhibit A**, Complaint, p. 4, Count II, ¶ 5.)

12. Accordingly, given the representation by plaintiffs' attorney – as set forth in Paragraph 10 and 11, above – the defendants state that it is their good-faith belief that the amount-in-controversy exceeds \$75,000, exclusive of interest and costs.

13. The Court has original jurisdiction over this action pursuant to 28 U.S.C. §§ 1332, and this action may be removed to this Court by the defendants pursuant to 28 U.S.C. §§ 1446(a), because it is a civil action between citizens of different states, the matter in controversy exceeds the sum of \$75,000 exclusive of interest and costs, and this Court is the District Court of the United States for the district and division encompassing the place where the action is pending.

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14. Attached to this filing are certified copies of all pleadings and orders that have been filed in the state court action. (See Full Certified Copy of State Court File, attached hereto as **Exhibit E.**)

15. Promptly after filing this Notice of Removal, the defendants will file a true and accurate copy of this Notice of Removal with the clerk of the Circuit Court of DuPage County, Illinois. Written notice of the filing will also be provided to plaintiffs' attorney, as required by 28 U.S.C. §§ 1446(d).

WHEREFORE, the defendants, MARTEN TRANSPORT, LTD. and JOHN BURCZYK, hereby give notice that this matter captioned Ommehani Azkia et al. vs. John Burczyk et al., Case No. 2020 L 000818, which was filed in the 18th Judicial Circuit Court of DuPage County, Illinois, is removed to the United States District Court for the Northern District of Illinois.

THE DEFENDANTS DEMAND TRIAL BY JURY

Respectfully submitted,

THE HUNT LAW GROUP, LLC

/s/ Brian J. Hunt

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